

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT SMITH, JR.,

Plaintiff,

v.

THE STATE OF WASHINGTON, *et al.*,

Defendants.

Case No. C07-5135 FDB

ORDER DENYING MOTION FOR
RECONSIDERATION OF ORDER
ADOPTING REPORT AND
RECOMMENDATION TO REVOKE
IN FORMA PAUPERIS STATUS
PURSUANT TO 28 U.S.C. § 1915(g)

This matter comes before the Court on the Objection of Plaintiff to the Report and Recommendation of the Magistrate Judge that Plaintiff's *in forma pauperis* status be revoked because he has received more than three formal strikes pursuant to 28 U.S.C. §1951(g). The Objection was filed subsequent to this Court's Order adopting the Report and Recommendation. Accordingly, the Objection will be considered as a motion for reconsideration. The Court, having considered the Plaintiff's pleadings and the balance of the record, finds that the motion should be denied.

Pursuant to Local Rules W.D. Wash. CR 7(h)(1), motions for reconsideration are disfavored, and will ordinarily be denied unless there is a showing of (a) manifest error in the prior ruling, or (b) facts or legal authority which could not have been brought to the attention of the court earlier, through reasonable diligence. Petitioner has not made the requisite showing as to either of the grounds for reconsideration under CR 7(h)(1). As indicated in the Order adopting the Report and


1 Recommendation, it is undisputed that Plaintiff has more than three formal strikes and is not under
2 imminent danger of serious physical injury. Plaintiff is not entitled to proceed *in forma pauperis*.

3 ACCORDINGLY;

4 IT IS ORDERED:

- 5 (1) Plaintiff's motion for reconsideration (Objection) [Dkt # 32] is **DENIED**.
6 (2) The Clerk of the Court is directed to send copies of this Order to Plaintiff, to counsel
7 for Defendants, and to the Hon. Karen L. Strombom.

8 DATED this 5th day of December, 2007.

9
10
11 
12 FRANKLIN D. BURGESS
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25